#### JOINT PUBLIC NOTICE

## CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, South Carolina 29403-5107

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL Office of Environmental Quality Control

Water Quality Certification and Wetlands Programs Section 2600 Bull Street

Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N #SAC-2006-923-2IG-C

26 MAY 2006

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

CENTEX HOMES

C/O TRICO ENGINEERING CONSULTANTS, INC.

4969 CENTRE POINTE DRIVE, SUITE 200

NORTH CHARLESTON, SOUTH CAROLINA 29418

for a permit to place fill material in wetlands near

#### MCCHUNE BRANCH

At a location, the Heape Tract, off of Old Fort Drive, in Dorchester County, South Carolina. (Latitude 32.96303°- Longitude 80.12388°)

In order to give all interested parties an opportunity to express their views

#### NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

#### 12 O'CLOCK NOON, MONDAY, JUNE 26, 2006

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing fill material in approximately 0.98 acres of jurisdictional wetlands for access to the site and utility crossings. In addition, the applicant proposes to impact 1.96 acres of non-jurisdictional wetlands. As mitigation for the proposed work, the applicant proposes to preserve approximately 126.27 acres of jurisdictional wetlands enhanced by 30.58 acres of 35' width upland buffers. In addition, the applicant proposes to purchase 6.5 restoration credits from the Pigeon Pond Mitigation Bank. The purpose of the proposed work is for access and utilities for single and multifamily residential development

Refer to: P/N #SAC-2006-923-2IG-C

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue Charleston, South Carolina 29403-5107.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the South Carolina Coastal Zone Management Act (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.98 acres of freshwater wetlands inland of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

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Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

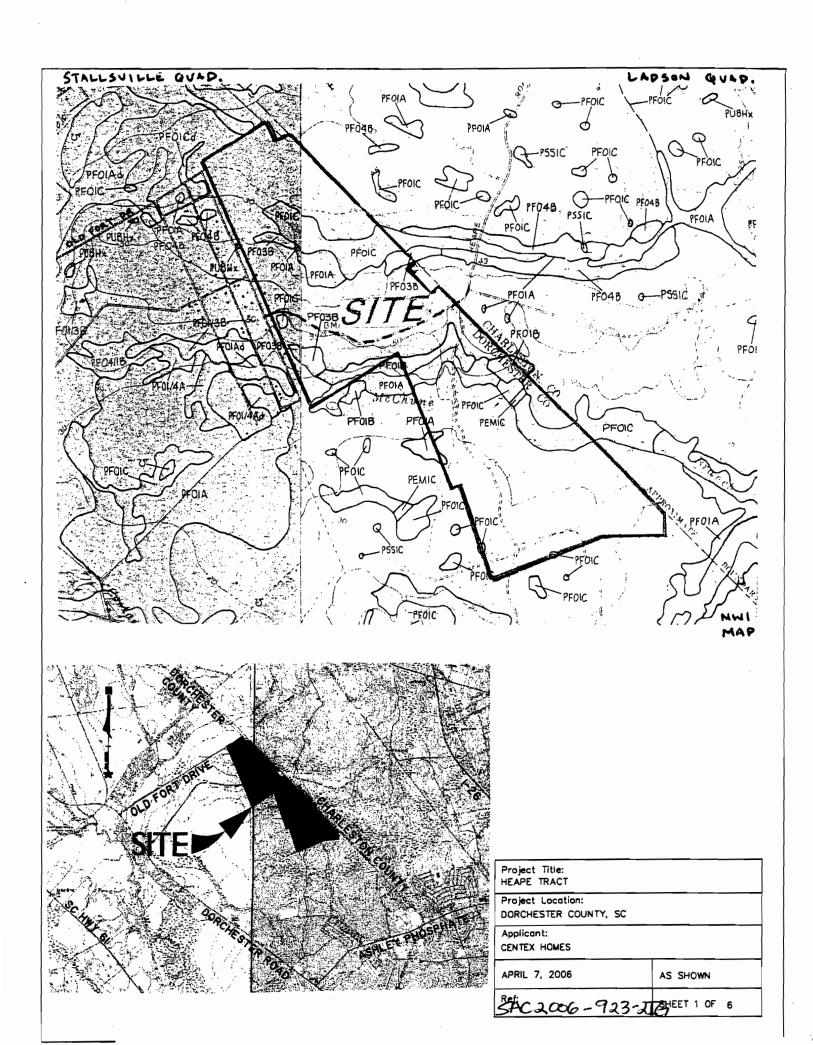
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

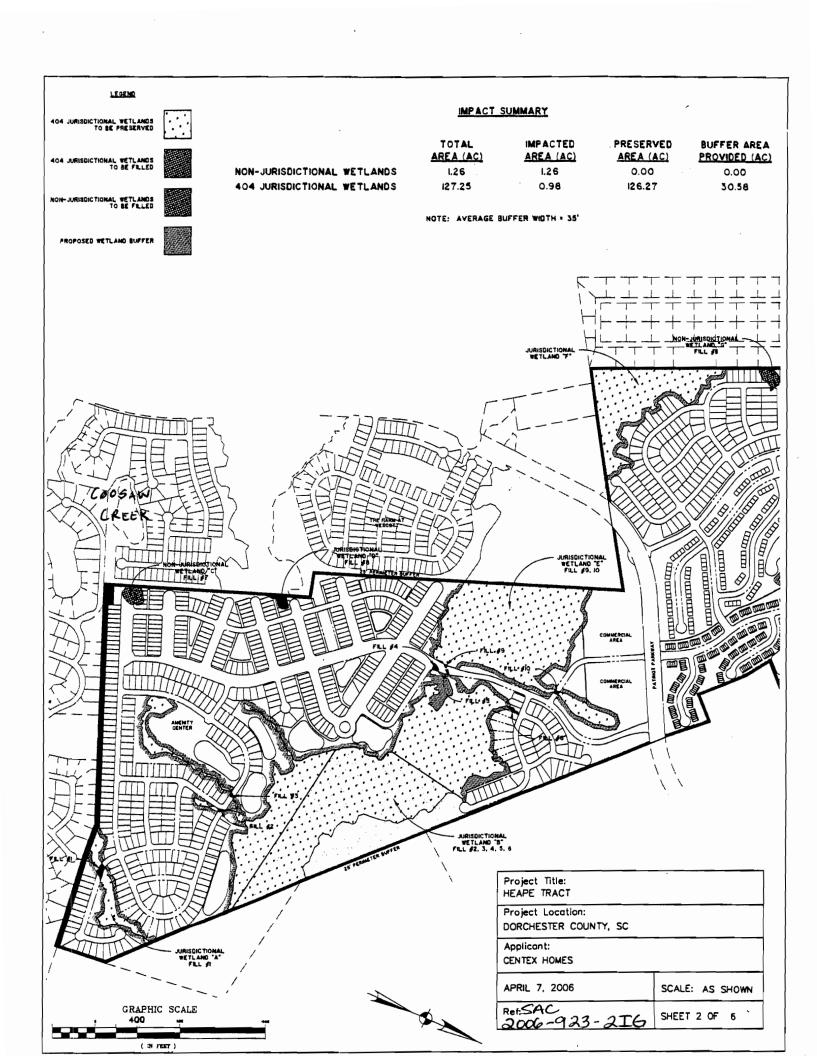
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

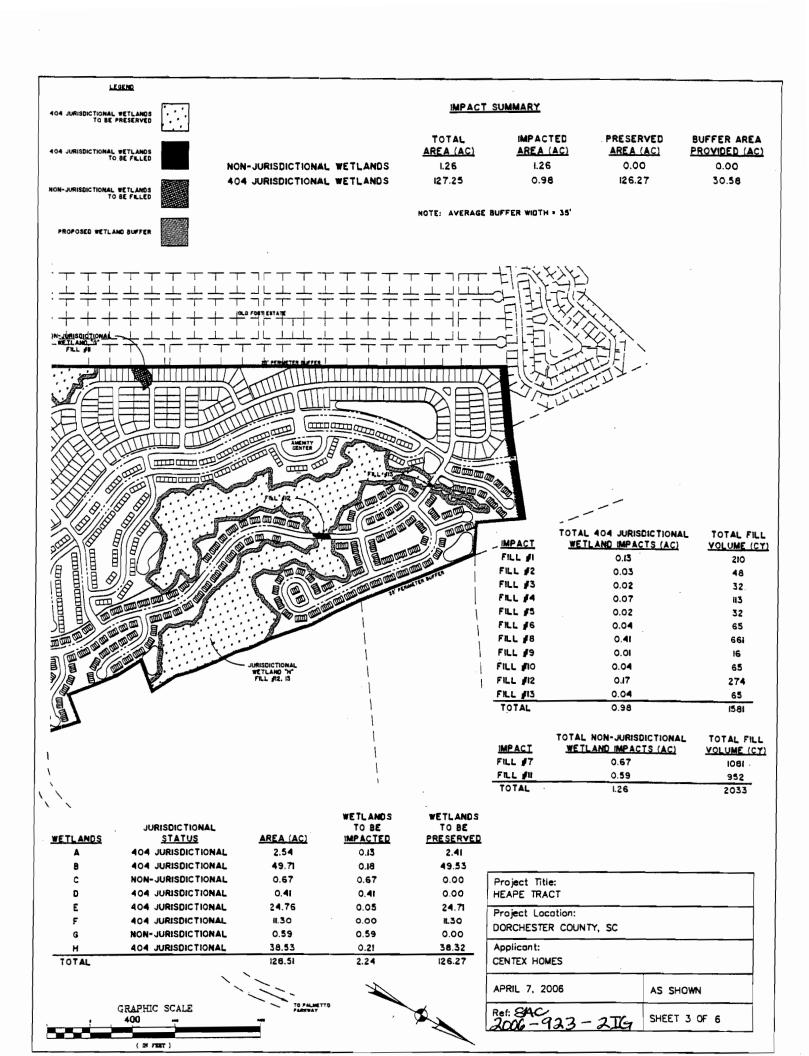
If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

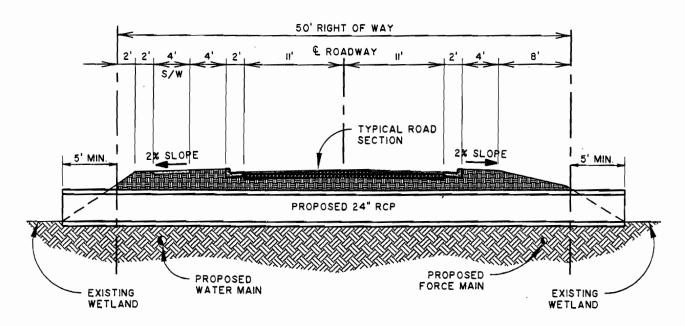
Project Manager Regulatory Division

U.S. Army Corps of Engineers





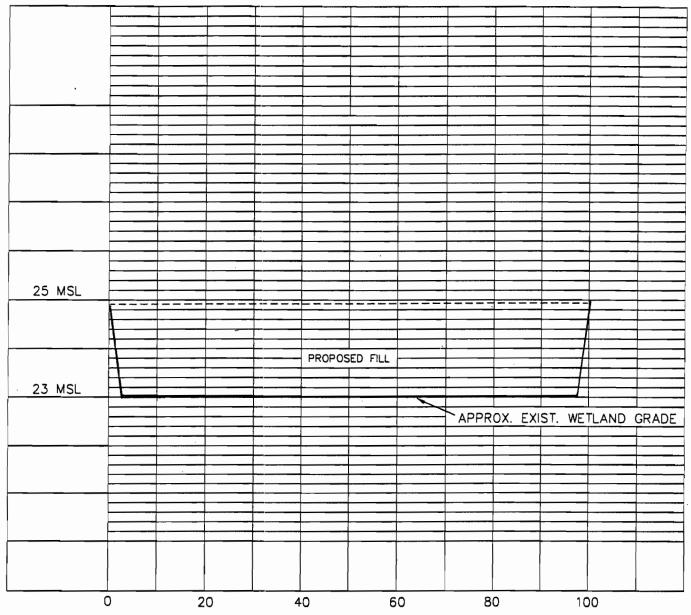




TYPICAL JURISDICTIONAL WETLAND CROSSING FILL TOTAL ESTIMATED VOLUME OF FILL ON SITE: 920 CU.YD.

NOT TO SCALE

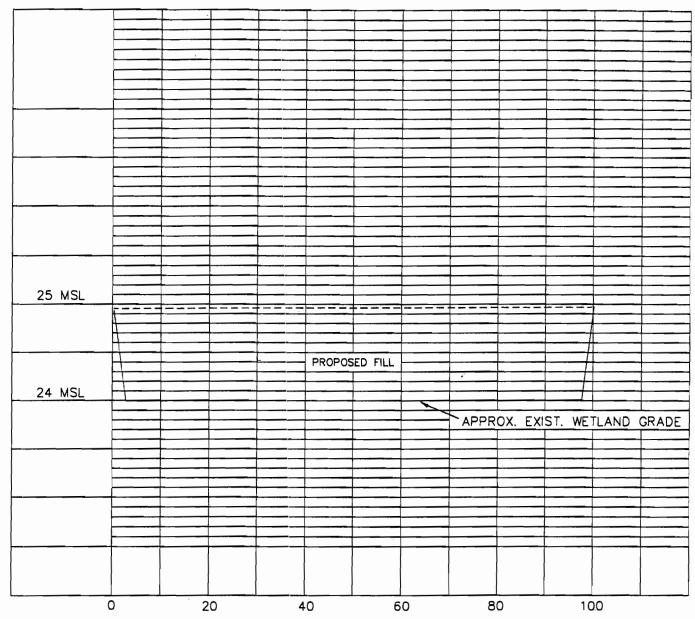
	Project Title: HEAPE TRACT	
	Project Location: DORCHESTER COUNTY, SC	
Revisions Date Initials	Applicant: CENTEX HOMES	
	APRIL 7, 2006	AS SHOWN
	SAC 2006-923-2I	CHEET 4 OF 6



HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 2'

TYPICAL JURISDICTIONAL WETLAND FILL TOTAL ESTIMATED VOLUME OF FILL ON SITE: 661 CU.YD.

	Project Title: HEAPE TRACT	
	Project Location: DORCHESTER COUNTY, SC	
Revisions Date Initials	Applicant: CENTEX HOMES	
	APRIL 7, 2006	AS SHOWN
	Ret: SAC2006-923-21	SHEET 5 OF 6



HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 1'

TYPICAL NON-JURISDICTIONAL WETLAND FILL TOTAL ESTIMATED VOLUME OF FILL ON SITE: 2033 CU.YD.

	Project Title: HEAPE TRACT	
	Project Location: DORCHESTER COUNTY, SC	
Revisions  Date Initials	Applicant: CENTEX HOMES	
	APRIL 7, 2006	AS SHOWN
	RefSAC 2006-923-2IG	SHEET 6 OF 6

#### 14. Tables and Worksheets.

14.1. Adverse Impacts Table.

SHEET #1 0F7
HEAPE
TRACT
SAC 2006-925

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS	OPTIONS								
Lost Type	Type C		Т	Туре В			Туре А		
	0.2	<u> </u>		2.0		3	.0		
Priority Category	Tertiary		Secondary		Primary		пагу		
	0.5	5	1.5		2.0				
Existing Condition	Very Impaire	d (	Impaired ·	Slightly Impaired		Full	Fully Functional		
	0.1		1.0	2.0			2.5		
Duration	Seasonal	0 to 1	I to 3	3 to 5	5	to 10	Over 10		
Duration	0.1	0.2	0.5	1.0		1.5	2.0		
Dominant Impact	Shade	Clear	Dredge	Drain	lm	pound	Fill		
	0.2	1.0	1.5	2.0		2.5	3.0		
Cumulative Impact		- 0.05 x ∑ AA;							

Note: For the Cumulative Impact factor,  $\sum AA_i$  stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

#### Required Mitigation Credits Sample Worksheet

Factor	FILL#1	FILL#2	FILL#3	FILLHY	FILL #5	FILL#6
Lost Type	2.0	2.0	2.0	.30	3.0	2.0
Priority Category	1.5	1.5	1.5	1.5	1.5	1.5
Existing Condition	2.5	2.5	2.5	2-5	2.5	2.5
Quration	2.0	2.0	2.0	2-0	2.0	2.0
Dominant Impact	3.0	3.0	3.0	3.0	3.0	3.0
Cumulative Impact	0	0	. 0	0	0	0
Sum of r Factors	$R_1 = 11.0$	R <sub>2</sub> = 11.0	R <sub>3</sub> = 11.0	R4= 12.0	$R_5 = 12.0$	R <sub>6</sub> =     . 0
Impacted Area	AA, = 0.13	AA;= ,03	AA3= ,02	AA4 = .07	AA,= .02	AA6 = 04
R × AA=	1.43	0.33	0.22	0.84	6.24	0,44

·	
Total Required Credits = $\sum (R \times AA) =$	_

#### 14. Tables and Worksheets.

14.1. Adverse Impacts Table.

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS	OPTIONS							
Lost Type	Туре С		Ту	Туре В		Туре А		
	0.3	2		2.0		3	.0	
Priority Category	Terti	-	Secondary				nary	
	0.5		1.5			2.0		
Existing Condition	Very Impaire	d	Impaired · Slightly Impai		aired	ired Fully Functional		
	0.1		1.0	2.0			2.5	
Duration	Seasonal	0 to 1	1 to 3	3 to 5	5	to 10	Over 10	
Duration	0.1	02	0.5	1.0		1.5	2.0	
Dominant Impact	Shade	Clear	Dredge	Drain	lm	pound	Fill	
<u> </u>	0.2	1.0	1.5	2.0		2.5	3.0	
Cumulative Impact	- 0.05 x ∑ AA <sub>i</sub>							

Note: For the Cumulative Impact factor,  $\sum$  AA<sub>i</sub> stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

#### Required Mitigation Credits Sample Worksheet

Factor	FILL#7	FILL#8	FILL#9	FILL#10	FILL#11	FILL # 12
Lost Type	2.0	3.0	3.0	2.0	2.0	3.0
Priority Category	,5	1.5	1.5	1.5	.5	1.5
Existing Condition	2.5	2.5	2.5	2.5	2.5	2.5
Quration	20	2.0	2.0	2.0	2.0	2.0
Dominant Impact	3.0	3.0	3.0	3.0	3. O	3.0
Cumulative Impact	0	0	0	0	0	0
Sum of r Factors	$R_1 = 16.0$	R <sub>2</sub> = 12.0	$R_3 = 12.0$	$R_4 = 11.0$	$R_5 = 10.0$	$R_6 = 12.0$
Impacted Area	AA1 = 0.67	<sup>AA</sup> 2 = 0.41	AA <sub>3</sub> = .O	AA,= .04	AA,= 0.59	AA6 = 0.17
R × AA=	6.70	4.92	0.12	0.44	5.90	2.04

m	
Total Required Credits = $\sum (\mathbf{R} \times \mathbf{A}\mathbf{A}) =$	

#### 14. Tables and Worksheets.

14.1. Adverse Impacts Table.

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS	OPTIONS							
Lost Type	Туре С		Тут	Туре В		Туре А		
	0.2			<u>.0</u>		3	.0	
Priority Category	Tertia 0.5	Tertiary		Secondary 1.5		Primary		
Existing Condition	Very Impaired		Impaired 1.0				2.0 Fully Functional	
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3	3 to 5		to 10	Over 10 2.0	
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0		pound 2.5	Fill 3.0	
Cumulative Impact	- 0.05 x Σ AA <sub>i</sub>							

Note: For the Cumulative Impact factor,  $\sum$  AA<sub>i</sub> stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

#### Required Mitigation Credits Sample Worksheet

Factor	F1413					
Lost Type	3.0					
Priority Category	1.5			·		
Existing Condition	25					
Duration	2.0					
Dominant Impact	3.0					
Cumulative Impact	0					
Sum of r Factors	R <sub>1</sub> = 12.0	R <sub>2</sub> =	R <sub>3</sub> =	R <sub>4</sub> =	R <sub>5</sub> =	R <sub>6</sub> =
Impacted Area	AA, = .04	AA <sub>2</sub> =	AA <sub>3</sub> =	AA, =	AA, =	AA <sub>6</sub> =
R × AA=	0.48					

Total Required Credits =  $\sum (R \times AA) = 24.10$ 

#### 14.3. Restoration and Enhancement Table.

# RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

<u>Factors</u>			Options		
Net Improvement	Minimal Enhancer	ment	01	Excell	ent Restoration 4.0
Control	N. A.	Covenant Private	Covenant POA	Conservation Easement	Transfer Fee Title Conservance
	0	0.1	0.2	0.4	0.6
Temporal Lag	N.A.*	Over 20 - 0.3	10 to 20 - 0.2	5 to 10 - 0.1	0 to 5 0
Credit Schedule	Schedule 5*	Schedule 4 0.1	Schedule 3	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 - 0.1	Category 4	Category 3 0.2	Category 2 0.3	Category 1 0.4
Location	Zone 5 - 0.1	Zone 4	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4

N. A. = Not Applicable

### Proposed Restoration or Enhancement Mitigation Sample Worksheet

Factor	TOTAL BUFFER				Area 5
Net Improvement	.5				
Control	.2				
Temporal Lag	3				
Credit Schedule	.4				
Kind	.4				
Location	.4				
Sum of m Factors	M <sub>1</sub> = 1.6	M <sub>2</sub> =	M <sub>3</sub> =	M <sub>1</sub> =	M <sub>5</sub> =
Mitigation Area	A <sub>1</sub> = 30.58	A <sub>2</sub> =	A <sub>3</sub> =	A =	A <sub>5</sub> =
M × A=	48.93				

Total Restoration/Enhancement Credits =  $\sum (M \times A) = \frac{48.93}{}$ 

<sup>\*</sup>Use this option to calculate credits for enhancement by buffering

#### 14.4. Preservation Table.

## PRESERVATION MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Factors				Opt	ions				
Priority Category	Tertiary		Secondary			Primary			
	0.1			0	.2				0.4
Frieder Condition	Impaired		Slightly Impaired			Fully Functional			
Existing Condition	- 0.1		0			0.1			
Degree of Threat	Low		Moderate			High			
Degree or Tilleat	- 0.1		0.1			0.2			
	Covenant		Covenant Conserva		servati	ation Transfer Fee Tit		nsfer Fee Title	
Control	Private		POA		Easement		t	Conservancy	
	0		0.1		0.4				0.6
V:-J	Category 5	Category	4	Category 3		Ca	Category 2		Category 1
Kind	- 0.1	0		0.1		0.2			0.3
Location	Zone 5	Zone 4	,	Zone 3		Zone 2			Zone I
	- 0.1	0		0.1		0.2			0.3

<u>Note</u>: Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

#### Proposed Preservation Mitigation Sample Worksheet

Factor	TOTAL BUFFER MINUS PRESERVED WETLE	NO Area 2	Area 3	Area 4	Area 5
Priority Category	. 2				
Existing Condition	. 1				
Degree of Threat	. 1				
Control	, 1				
Kind	.3				
Location	.3				
Sum of m Factors	M <sub>1</sub> = },	M <sub>2</sub> =	M <sub>3</sub> =	M <sub>4</sub> =	M <sub>5</sub> =
Mitigation Area	A:= 96.09	A <sub>2</sub> =	A <sub>3</sub> =	A <sub>4</sub> =	A <sub>5</sub> =
M × A=	105.70				

Total Preservation Credits =  $\sum (M \times A) = 105.70$ 

## 14.6. Mitigation Summary Worksheet.

# WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS Mitigation Summary Worksheet For Permit Application #\_\_\_\_\_\_

I.	Required Mitigation		
A.	Total Required Mitigation Credits =	24	1.10
II.	Non-Banking Mitigation Credit Summary	Credits	Acres
B.	Creation		
C.	Restoration and/or Enhancement (Non-Buffer Enhancement)		
D.	Restoration and/or Enhancement (Buffer Enhancement)	48.93	30.58
E.	Total No Net Loss Non-Bank Mitigation = B + C + D	48.43	30.58
F.	Preservation	105.70	96.09
G.	Total Proposed Non-Bānk Mitigation = E + F	154.63	126.67
Ш.	Banking Mitigation Credit Summary	Credits	Acres
H.	Creation		
I.	Restoration and/or Enhancement (Non-Buffer Enhancement)	6.5	-
J.	Restoration and/or Enhancement (Buffer Enhancement)		
K.	Total No Net Loss Bank Mitigation = H + I + J	6.5	
. L.	Preservation -		
M.	Total Proposed Bank Mitigation = K + L	6.5	
IV.	Grand Totals	Credits	Acres
N.	Total Preservation Mitigation = F + L	105.70	96.09
0.	Total Non-Preservation Mitigation = E + K	55.43	-
P.	Total Creation = B + H	•	-
Q.	Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	6.5	-
R.	Total Proposed Mitigation = G + M	161.13	-

The Total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row O must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
PMC ≥ RMC		
or in words		
Are the credits in Row R greater than or equal to Row A?		
PMC <sub>Non-Preservation</sub> ≥ ½ RMC	_	
or in words		
Are the credits in Row O greater than or equal to 50% of Row A?		
PMC <sub>Creation</sub> + Restoration/Enhancement (Non-Buffer Enhancement) ≥ ½ RMC		
· or in words		
Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row A?		